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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/470,039 | 12/22/1999 | RICHARD CORNELIUS | ANDIP392 | 5692 |

29838 7590 03/24/2003

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EXAMINER

JAKETIC, BRYAN J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,039

Applicant(s)

CORNELIUS ET AL.

Examiner

Bryan Jaketic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6, 7, 9, 12, 13, 15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Camp et al. Camp et al disclose a method and system for initiation of an agreement utilizing a network, comprising the steps of allowing a buyer and seller to negotiate terms of trade, wherein the buyer transmits a form indicating the terms of the trade and an identifier (col. 7, line 45 through col. 8, line 26). The bank then authenticates the identity of the buyer (col. 7, lines 45-53). The form is then sent to the bank for assessing the credit of the buyer, and is then forwarded to the seller along with the assessment (col. 8, lines 47-67; see also col. 10, lines 53-54). The seller then digitally signs the form, and it is received by the buyer, serving as notice that the agreement is initiated (col. 9, lines 47-51). The form is a combined purchase order proforma invoice (see col. 8, lines 15-27 and col. 9, lines 47-51).

Camp et al do not disclose a computer program embodied on a computer readable medium. However, the system of Camp is automated, and it is inherent that the system there uses a computer program embodied on a computer readable medium.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 4, 5, 8, 10, 11, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camp et al. Camp et al disclose all of the limitations described in paragraph 3 of this Office Action. Camp et al do not disclose the use of a wide area network. However, wide area networks are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a

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wide area network with the invention of Camp et al, because a wide area network is a convenient means of communication.

Camp et al do not disclose the use of a password. However, it is common in the art to require a user to use a password to prove his identification. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of requiring a user to submit a password in the invention of Camp et al in order to verify the user's identity.

Camp et al do not disclose the step of verifying the credit of the seller. However, it is common in the art for a consumer to check the reputation of an unknown merchant. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of verifying the credit of the seller in the invention of Camp et al to appease the buyer.

Response to Arguments

6. Applicant's arguments have been considered but are not persuasive. Applicant argues that buyer does not submit a form that indicates the terms of trade utilizing the network. Examiner respectfully disagrees. Column 7, lines 45-53 disclose a first message containing an identifier and a payment method. Webster's Collegiate Dictionary defines "form" as "a prescribed and set order of words". The buyer's message meets this definition of "form". Furthermore, by declaring a payment method, the buyer is indicating terms of trade.

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Applicant also argues that Camp does not teach or suggest that the bank assesses credit of the buyer. Examiner respectfully disagrees. In column 9, lines 53-54, Camp explains that during the authorization step, a certain amount is reserved on a credit line (described in col. 9, lines 22-28). Reserving an amount on a credit line is inherently a credit assessment.

Applicant also argues that that the form is not forwarded to the bank based on a bank identifier. Examiner respectfully disagrees. The form contains encrypted information that can only be decoded by the bank (col. 8, lines 15-27). The message also includes a payment selection (col. 7, lines 45-53). It is inherent that this payment selection includes a bank identifier so that the message can be forwarded to a location that can decode the encrypted information and provide payment.

Applicant further argues that Camp does not disclose the step of forwarding the form to a seller along with the credit assessment. Examiner respectfully disagrees. Camp teaches the steps of sending the credit assessment in col. 9, lines 22-28 & 53-54. Furthermore, the message constitutes a form as defined in Webster's Collegiate Dictionary.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj
March 21, 2003


Kenneth R. Rice
Primary Examiner